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| 10/673,390 | 09/29/2003 | Mark Bernard Hettish | 2003P08063US | 4143 |

7590 10/16/2008
Attn: Elsa Keller, Legal Administrator
Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
Iselin, NJ 08830

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| EXAMINER |
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PADMANABHAN, KAVITA

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| ART UNIT | PAPER NUMBER |
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2161

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10/16/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/673,390

Applicant(s)

HETTISH ET AL.

Examiner

Kavita Padmanabhan

Art Unit

2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2008.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 9-17, 20 and 21 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-7, 9-17, 20 and 21 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 29 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____

DETAILED ACTION

Status of Claims

1. Claims 1, 20, and 21 have been amended.
2. Claims 1-7, 9-17, 20, and 21 are pending.
3. Claims 1-7, 9-17, 20, and 21 are rejected.

Continued Examination Under 37 CFR 1.114

4. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/30/08 has been entered.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. **Claims 1-7, 9-17, and 20-21** are rejected under 35 U.S.C. 102(b) as being anticipated by **Diacakis et al.** (US 2002/0116336, hereinafter “Diacakis”).

In regards to **claim 1**, **Diacakis** teaches a method, comprising:

- interfacing an identity oriented context application that represents a context of an identity based on an availability of the identity with a device oriented context application that represents the context of the identity based on an availability or state of a device associated with the identity, where the identity is a person or a group of persons **(Diacakis; Fig. 1; Fig. 4 – presence detection engine interpreted as device oriented context system since it determines user's presence on particular devices, and availability management engine interpreted as identity oriented context system since it determines user's availability based on user's situation; par [0026]; par [0044]-[0045]);**
- receiving a request to make a change to a new identity oriented context for an identity **(Diacakis; par [0034], lines 8-18 – “*The presence detection engine 18 may detect a change in the individual's situation, as described further hereinafter, or the individual may communicate the change to the management server 12 directly*” – the individual communicating the change to the server constitutes a request to change to a new identity oriented context; par [0046], lines 4-7; par [0048], lines 1-2), wherein said new identity oriented context is associated with said identity and provides an availability status of said identity (Diacakis; par [0031], lines 18-21 – “*the individual may define a series of profiles that describe a situation that the individual may be in such as, for example, "at home," "at office," or "on the road."*” – i.e., identity oriented contexts);** and
- mapping said new identity oriented context to a device oriented context for a specific device associated with said identity **(Diacakis; par [0031], lines 21-25 – “*the individual***

- may identify how he wishes to be communicated with for each profile*"; Fig. 2 – shows mapping of identity oriented context "at office" to device oriented contexts, i.e. which devices are available to which subscribers when the individual is "at office"; par [0035], lines 1-9), wherein said device oriented context provides an availability or work status of the specific device (**Diacakis; par [0026]; par [0045]** - *"determine the individual's current capabilities 58 such as, for example, whether he can receive voice information, data files, audio files, video files, etc."*; par [0057] – identity oriented context is "at home" and device oriented contexts, i.e. availability of phone, IM, etc., are determined based on "at home" profile); and
- providing data indicative of said mapped device oriented context to a device context oriented application (**Diacakis; Fig. 8**).

In regards to **claim 2, Diacakis** teaches the method of claim 1, wherein said receiving said request to make said change to said new identity oriented context for said identity includes receiving said request from an identity context oriented application (**Diacakis; par [0034], lines 8-18; Fig. 4**).

In regards to **claim 3, Diacakis** teaches the method of claim 1, wherein said mapping said new identity oriented context to said device oriented context for said device associated with said identity includes determining said device (**Diacakis; par [0031], lines 18-25; Fig. 2**).

In regards to **claim 4**, **Diacakis** teaches the method of claim 3, wherein said mapping said new identity oriented context to said device oriented context for said device associated with said identity includes determining said device oriented context associated with said device (**Diacakis; par [0031], lines 18-25; par [0045]; Fig. 8**).

In regards to **claim 5**, **Diacakis** teaches the method of claim 1, wherein said mapping said new identity oriented context to said device oriented context for said device associated with said identity includes accessing a mapping table (**Diacakis; Fig. 2**).

In regards to **claim 6**, **Diacakis** teaches the method of claim 1, further comprising:

- determining said device (**Diacakis; par [0031], lines 18-25; Fig. 2**).

In regards to **claim 7**, **Diacakis** teaches the method of claim 1, further comprising:

- determining said device oriented context for said device (**Diacakis; par [0031], lines 18-25; par [0045]; Fig. 8**).

In regards to **claim 9**, **Diacakis** teaches the method of claim 1, wherein said providing data indicative of said device oriented context includes providing said data indicative of said device oriented context to a presence and availability service (**Diacakis; Fig. 4; Fig. 8**).

In regards to **claim 10**, **Diacakis** teaches the method of claim 1, further comprising:

- changing an identity oriented context for said identity from a first identity context to said new identity oriented context in response to said request (**Diacakis; par [0034], lines 8-18; par [0046], lines 4-7; par [0048], lines 1-2**).

In regards to **claim 11**, **Diacakis** teaches the method of claim 10, further comprising:

- providing data indicative of said new identity oriented context (**Diacakis; Fig. 8**).

In regards to **claim 12**, **Diacakis** teaches the method of claim 1, further comprising:

- registering with a presence and availability service (**Diacakis; par [0031]**).

In regards to **claim 13**, **Diacakis** teaches the method of claim 12, wherein said providing data indicative of said device oriented context further comprises providing said data indicative of said device oriented context to said presence and availability service (**Diacakis; Fig. 8**).

In regards to **claim 14**, **Diacakis** teaches the method of claim 1, further comprising:

- detecting a new device oriented context for a second device, wherein said second device is associated with a second identity (**Diacakis; Fig. 8; par [0056], lines 9-17; par [0062], lines 1-12**); and
- mapping said new device oriented context to an identity oriented context for said second identity (**Diacakis; Fig. 8; par [0056], lines 9-17; par [0062], lines 1-12**).

In regards to **claim 15**, **Diacakis** teaches the method of claim 14, wherein said detecting said new device oriented context for said second device includes detecting said new device oriented context in a presence and availability service (**Diacakis; Fig. 4**).

In regards to **claim 16**, **Diacakis** teaches the method of claim 14, wherein said detecting said new device oriented context for said second device includes receiving a request to change said second device's device oriented context (**Diacakis; par [0029], lines 4-7; par [0031]; par [0034], lines 14-18; par [0053], lines 6-11; par [0057]**).

In regards to **claim 17**, **Diacakis** teaches the method of claim 14, wherein said mapping said new device oriented context to said identity context for said second identity includes determining said second identity (**Diacakis; Fig. 8; par [0056], lines 9-17; par [0062], lines 1-12**).

Claim 20 is rejected with the rationale given for claim 1.

Claim 21 is rejected with the rationale given for claim 1.

Response to Arguments

7. Applicant's arguments filed 9/30/08 with respect to the prior art rejections of the claims have been fully considered but they are not persuasive.

Applicant argues that Diacakis does not teach the claimed device oriented context application and mapping the identity context to the device context. The examiner respectfully disagrees and asserts that the presence detection engine of Diacakis is interpreted as a device

oriented context application since it determines a user's presence on particular devices (Diacakis; Fig. 1; Fig. 4).

Specifically, applicant argues that no availability of a device is determined by Diacakis. Rather, applicant argues that Diacakis determines the availability of the "individual" on the network or device, not the availability of the network or device itself. The examiner respectfully disagrees and asserts that Diacakis clearly determines the availability of devices on a network by determining presence information for the device (Diacakis; par [0044]-[0045]), including determining whether a device is switched on/off (Diacakis; par [0026]).

Applicant further argues that Diacakis discloses an identity oriented application since Diacakis is fundamentally concerned with determining the availability of an individual. The examiner again respectfully disagrees and asserts that Diacakis determines the availability of devices on a network by determining presence information for the device (Diacakis; par [0044]-[0045]), including determining whether a device is switched on/off (Diacakis; par [0026]). Furthermore, the examiner notes that it could be argued that the *claimed* device oriented context application is fundamentally concerned with the availability of an individual, since it "*represents the context of the identity* based on an availability or state of a device associated with the identity." Therefore, the distinction the applicant is attempting to draw between the claimed invention and the cited reference appears unfounded.

Applicant also argues that there is no need for the Examiner to interpret the meaning of the terms "presence" and "availability" since Diacakis defines these terms. The examiner asserts that she is not interpreting the defined terms of Diacakis in a manner that is contrary to the definitions given by Diacakis. Rather, the examiner is merely providing a mapping between the

terms disclosed by Diacakis and the claimed terminology. Applicant argues that there is no disclosure in Diacakis of the “presence detection engine 18” being the same or even suggestive of the claimed “device oriented context application.” The examiner respectfully disagrees. The claimed device oriented context application “represents the context of the identity based on an availability or state of a device associated with the identity,” which is precisely what the presence detection engine of Diacakis does when it determines the availability or state of a device associated with an individual (Diacakis; par [0026]; par [0045]).

Diacakis also teaches mapping said new identity oriented context to a device oriented context for a specific device associated with said identity (Diacakis; par [0031], lines 21-25; par [0035], lines 1-9), wherein said device oriented context provides an availability status of the specific device (Diacakis; par [0026]; par [0045]; par [0057]).

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Kavita Padmanabhan** whose telephone number is (571)272-8352. The examiner can normally be reached on Monday-Friday, 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Apu Mofiz can be reached on 571-272-4080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kavita Padmanabhan
Assistant Examiner
AU 2161

October 14, 2008

/Kavita Padmanabhan/